IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROGER LESLIE MOYER and GLEN:
ALLEN MOYER, as Co-Executors and
Administrators of the ESTATE OF:
BETTY MOYER, deceased,:

:

Plaintiff,

CIVIL ACTION

 \mathbf{v}_{\bullet}

No. 13-cv-4497

BERKS HEIM NURSING HOME and COUNTY OF BERKS,

:

Defendants.

ORDER

AND NOW, this 19th day of March 2014, upon consideration defendants' motion to dismiss (doc. no. 7), plaintiffs' response (doc. no. 10), and the parties replies thereto (docs. no. 16 and 18), **IT IS HERBY ORDERED**:

- 1. Counts III, IV and V are **DISMISSED WITH PREJUDICE** as to the municipal defendants.
- 2. Plaintiffs shall have leave to file an amended complaint in order to add counts sounding in negligence against parties not entitled to sovereign immunity.
- 3. Plaintiffs shall file an amended complaint within fourteen days of the entry of this order.
 - 4. Defendants' motion is otherwise **DENIED**.

BY THE COURT,

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.